

86th Legislative Session – 2011

Committee: House Judiciary

Monday, January 31, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Boomgarden
P Feinstein
P Gibson
P Hansen (Jon)
P Killer
P Kopp
P Nelson (Stace)
P Russell
P Tornow
P Turbiville
P Gosch, Vice-Chair
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Hunt.

MOTION: TO APPROVE THE MINUTES OF JANUARY 26, 2011

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by voice vote.

HB 1076: increase the fee for a payor to withhold child support.

THE CHAIR DEFERRED HB 1076 UNTIL FEBRUARY 7, 2011

HB 1084: require drug screening for county sheriffs.

Presented by: Representative Stace Nelson
Opponents: Staci Eggert, SD Sheriff's Association

MOTION: AMEND HB 1084

1084ra

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. The Law Enforcement Standards and Training Commission shall establish and implement a drug screening program for applicants for a law enforcement position and a drug screening program for law enforcement officers based upon reasonable suspicion of illegal drug use by any such person.

Section 2. Individual test results and medical information collected pursuant to any drug screening program established by section 1 of this Act are confidential. This information may be revealed only as authorized by the commission. An applicant or employee may have access to the applicant's or employee's own information or test results upon written request to the commission. Any person responsible for recording, reporting, and maintaining medical information pursuant to any drug screening program established by section 1 of this Act, who knowingly or intentionally discloses or fails to protect the confidential medical information, or who compels another to disclose the confidential medical information, is guilty of a Class 2 misdemeanor.

Section 3. The commission shall adopt rules for any drug screening program described in section 1 of this Act in the following areas:

- (1) Substances to be screened;
- (2) Drug screening procedures for applicants;
- (3) Drug screening procedures for law enforcement officers;
- (4) Procedures for collecting, analyzing, and evaluating test samples;
- (5) Confidentiality of testing procedures;
- (6) Referral for education or treatment;
- (7) Consequences which may result from valid positive test results or from failure to submit to a test."

Moved by: Tornow
Second by: Hansen (Jon)
Action: Failed by roll call vote. (5-7-1-0)

Voting Yes: Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow

Voting No: Abdallah, Boomgarden, Feinstein, Gibson, Turbiville, Gosch, Hunt

Excused: Killer

MOTION: DEFER HB 1084 TO THE 41ST LEGISLATIVE DAY

Moved by: Abdallah
Second by: Gibson
Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Turbiville, Gosch, Hunt

Voting No: Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow

Excused: Killer

HB 1142: repeal certain tort liability arising out of causes of action based on seduction, abduction, and alienation of affections.

Presented by: Representative Melissa Magstadt
Proponents: Jamie Damon, Pierre, self
Dr. Jodi Owen, Pierre, self
Roger Spahr, Watertown, self
Linda Lea Viken, Rapid City, self
Opponents: Cindy Flakoll, Concerned Women For America
Chris Hupke, SD Family Policy Council
Kitty Werthmann, Eagle Forum
Matt McCaulley, Sioux Falls, self

MOTION: DO PASS HB 1142

Moved by: Tornow
Second by: Gibson
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1142 TO THE 41ST LEGISLATIVE DAY

Moved by: Russell

Second by: Gosch

Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Abdallah, Feinstein, Kopp, Nelson (Stace), Russell, Gosch, Hunt

Voting No: Boomgarden, Gibson, Hansen (Jon), Tornow, Turbiville

Excused: Killer

HB 1102: revise certain provisions concerning the presumption of legitimacy of children born or conceived in wedlock.

Presented by: Representative Peggy Gibson

Proponents: Mary Keller, Huron, self

Opponents: Joan Adam, Department of Health

MOTION: DEFER HB 1102 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville

Second by: Gosch

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1102

Moved by: Gibson

Second by: Feinstein

Action: Failed by roll call vote. (4-9-0-0)

Voting Yes: Abdallah, Feinstein, Gibson, Killer

Voting No: Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

MOTION: DEFER HB 1102 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville

Second by: Gosch

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1102

1102ra

On page 1 of the printed bill, delete lines 5 to 15, inclusive, and insert:

" Section 1. That § 25-8-57 be amended to read as follows:

25-8-57. Any child born in wedlock, or born within ~~ten~~ three months after dissolution of the marriage, is presumed legitimate to that marriage even if the marriage is subsequently declared to be null and void, or subsequently dissolved by divorce. This rebuttable presumption of legitimacy can only be disputed by the husband or wife, or a descendant of one or both of them."

Moved by: Gibson
Second by: Feinstein
Action: Failed by voice vote.

MOTION: DEFER HB 1102 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Abdallah, Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Voting No: Feinstein, Gibson, Killer

HB 1151: provide procedures by which adopted persons may obtain their original birth certificates.

THE CHAIR DEFERRED HB 1151

HB 1138: provide for the licensure and regulation of private detectives.

Presented by: Representative Frank Kloucek (handout #1)

MOTION: DEFER HB 1138 TO THE 41ST LEGISLATIVE DAY

Moved by: Abdallah
Second by: Gosch
Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Abdallah, Boomgarden, Hansen (Jon), Russell, Tornow, Turbiville, Gosch, Hunt

Voting No: Feinstein, Gibson, Killer, Kopp, Nelson (Stace)

MOTION: ADJOURN

Moved by: Turbiville
Second by: Gibson
Action: Prevailed by voice vote.

Cindy Tryon
Committee Secretary

Roger W. Hunt, Chair